

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOE NATHAN DAVIS,

Plaintiff/Movant,

-vs-

UNITED STATES OF AMERICA,

Defendant/Respondent.

CIVIL NO. 06-CV-14227

CRIM. NO. 05-CR-80501

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

PAUL J. KOMIVES

UNITED STATES MAGISTRATE JUDGE

ORDER

**(1) ACCEPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;
AND (2) DENYING PLAINTIFF'S MOTION TO VACATE, SET ASIDE, OR CORRECT
HIS SENTENCE**

Before the Court is the Magistrate Judge's August 22, 2007 Report and Recommendation denying Plaintiff Joe Nathan Davis' September 22, 2006 Motion to Vacate, Set Aside, or Correct His Sentence under 28 U.S.C. § 2255. Neither party has filed timely objections under 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). Having reviewed the Magistrate Judge's conclusions of fact and discussion of law, the Court hereby:

- (1) **ACCEPTS** the Magistrate Judge's Report and Recommendation; and
- (2) **DENIES** Plaintiff's Motion to Vacate, Set Aside, or Correct His Sentence.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: October 12, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on October 12, 2007.

s/Denise Goodine

Case Manager